



Public Notice

Applicant:

Fortis US Energy
Corporation

Date:

Published: December 29, 2004

Expires: January 27, 2005

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District **CELRB-TD-R RE:** 2004-02411(0) **Section:** NY 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Fortis US Energy Corporation, 7659 Lyonsdale Road, Lyons Falls, New York 13368 has requested a Department of the Army (DA) permit to discharge material incidental to the dredging of accumulated rock, silt, sand and debris from East Canada Creek at the Dolgeville Hydroelectric Dam. The dam is located at 99 Van Buren Street Extension, in the Village of Dolgeville, Herkimer County, New York.

Approximately 1,300 cubic yards of material will be removed from the intake area and approximately 300 cubic yards will be removed from the tailrace, to restore the intake structure approach channel and tailrace areas to original constructed elevations (1985). All work will be completed in the dry, as the pond will be drawn down during construction. The material will be excavated with a track hoe, and will be disposed in dump trucks for disposal. All material will be disposed of at an upland location. The material was deposited by natural river flows upstream of the intake structure and in the tailrace area downstream of the powerhouse.

The purpose of the project as proposed is to restore the channels to original constructed elevations.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Margaret A. Crawford, who can be contacted by calling (315) 255-8090, or by e-mail at: margaret.a.crawford@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 7413 County House Road, Auburn, New York 13021, and should be marked to the attention of Margaret A. Crawford, or by e-mail at: margaret.a.crawford@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the

preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

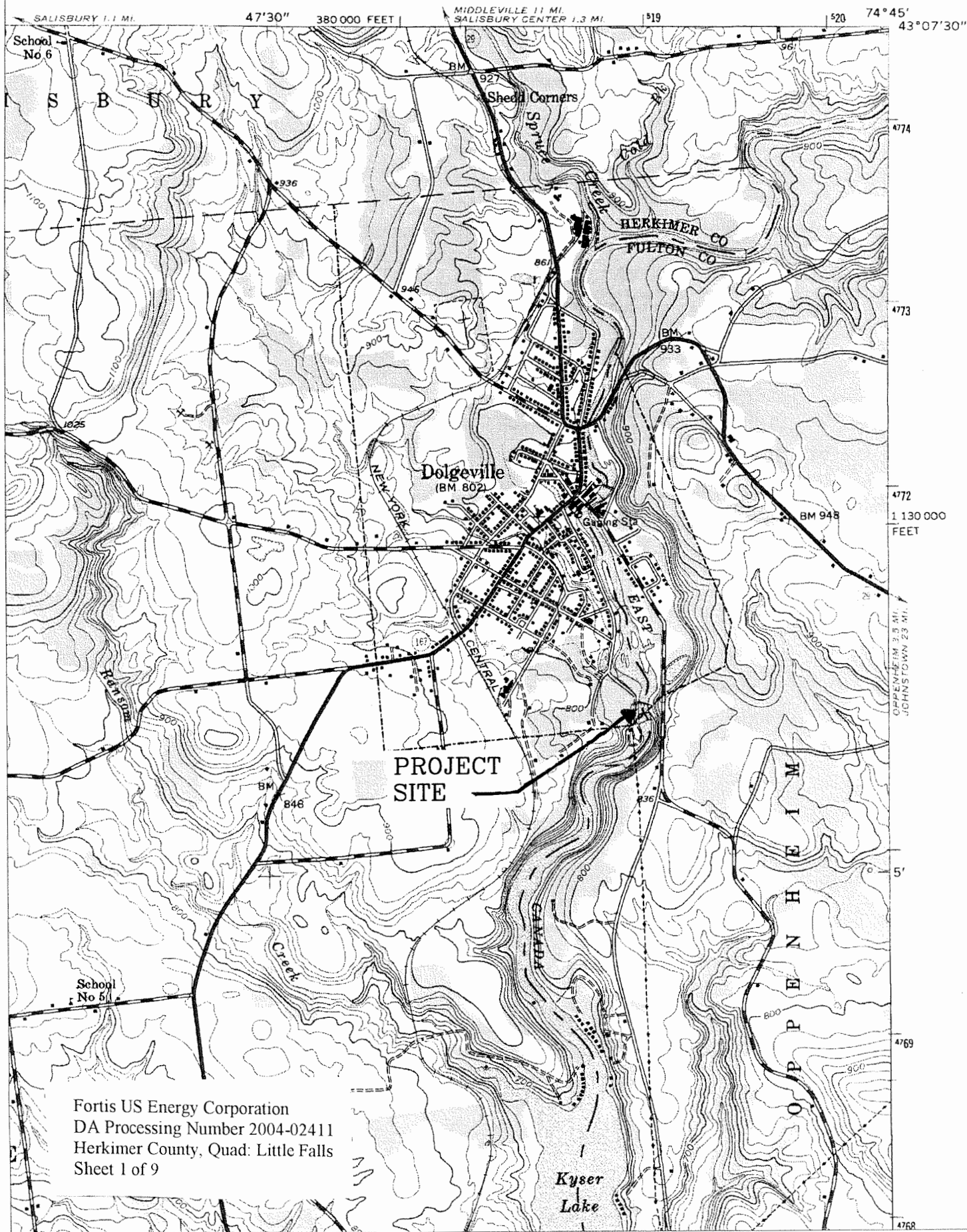
Thomas C. Switala
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

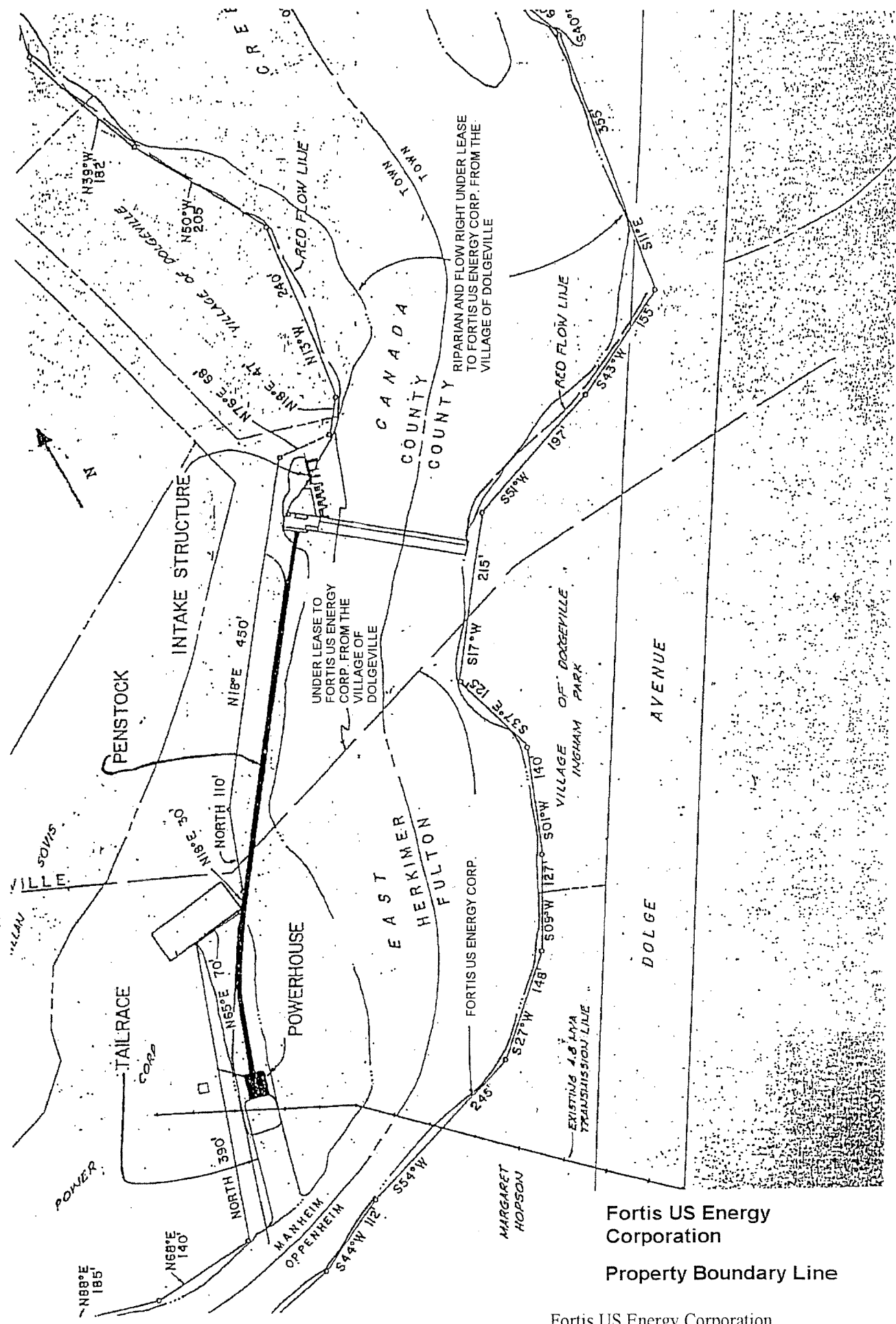
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EERS

LITTLE FALLS QUADRANGLE
NEW YORK
7.5 MINUTE SERIES (TOPOGRAPHIC)
SE/4 LITTLE FALLS 15' QUADRANGLE

8070 11 NW
(STRATFORD)

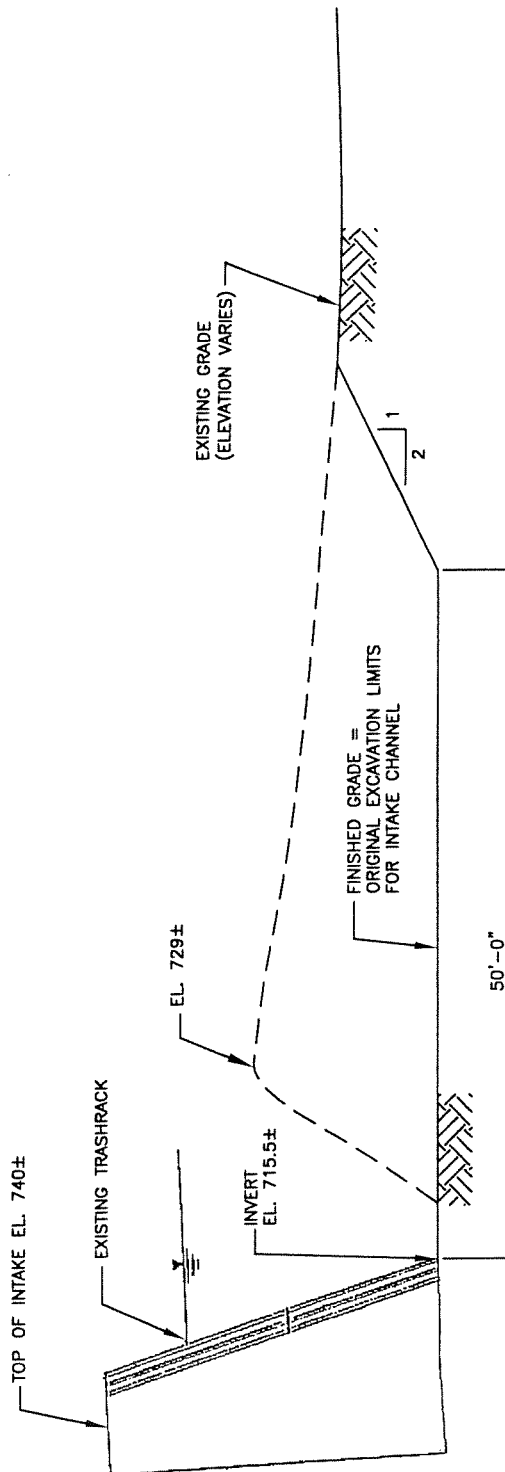


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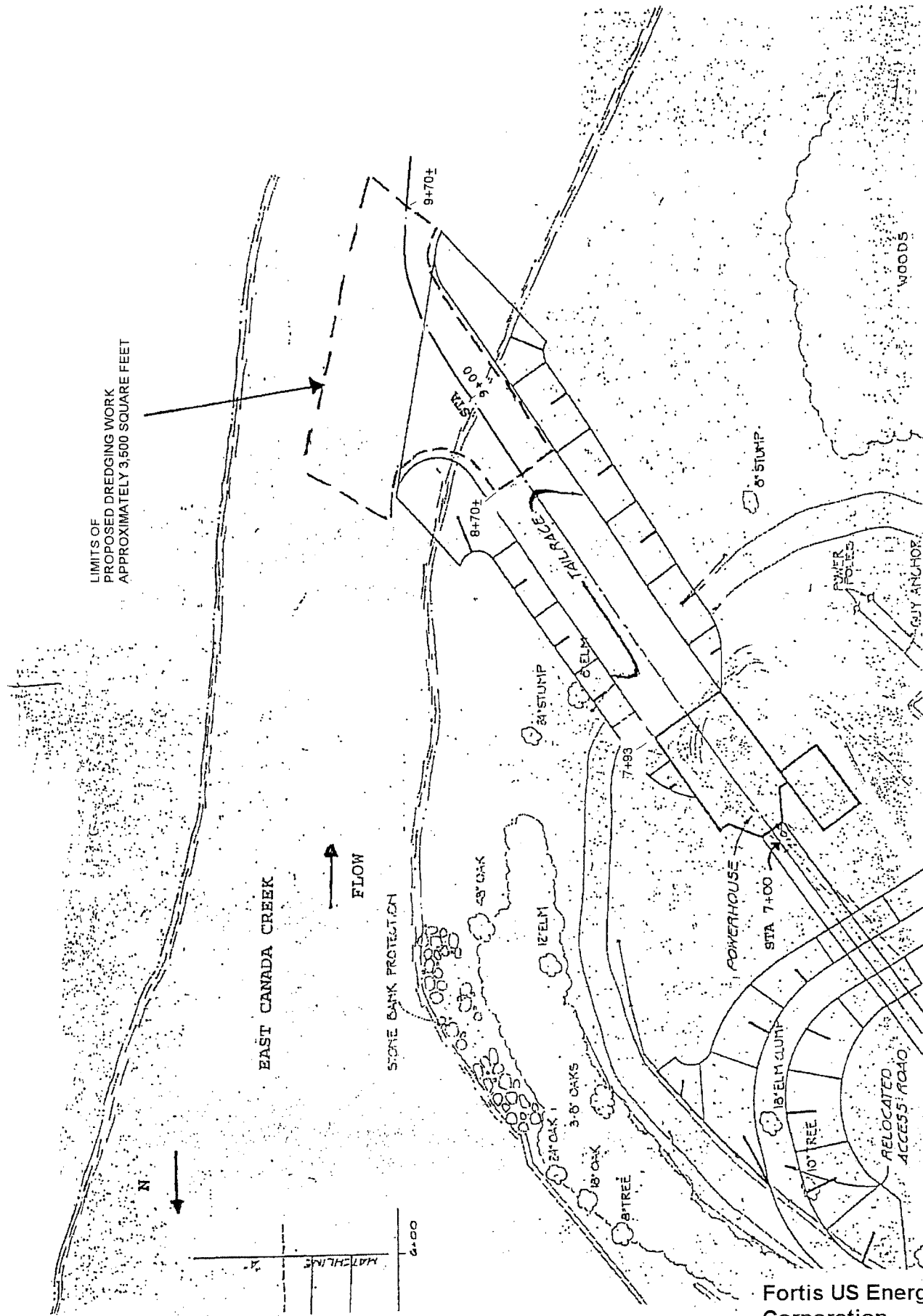
Fortis US Energy Corporation

Property Boundary Line



SECTION A-A

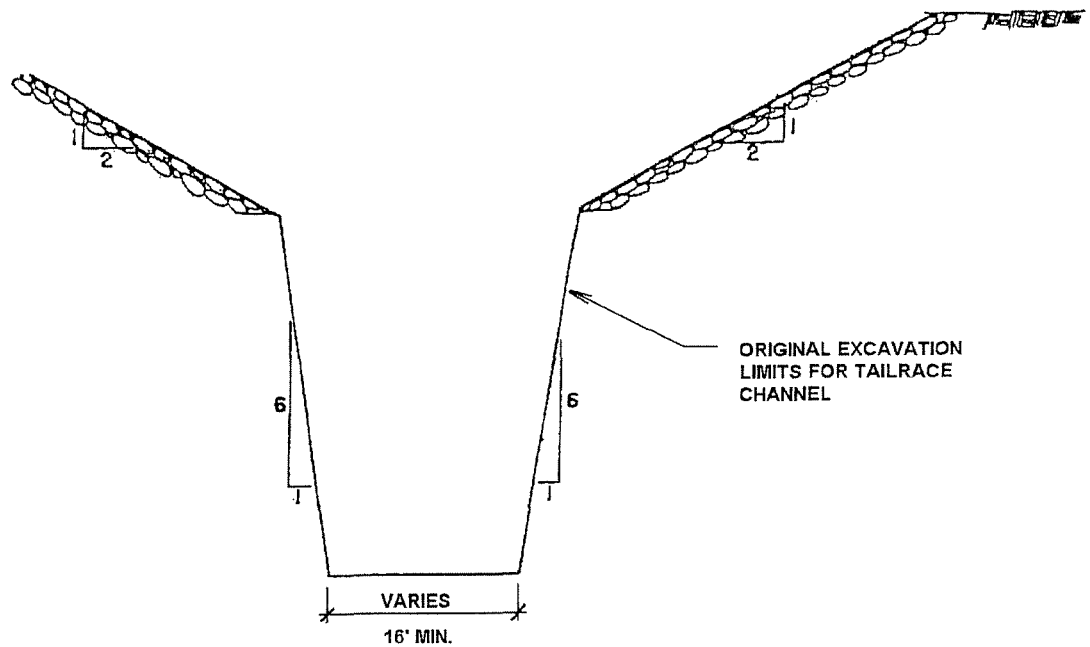
INTAKE CHANNEL



Fortis US Energy Corporation

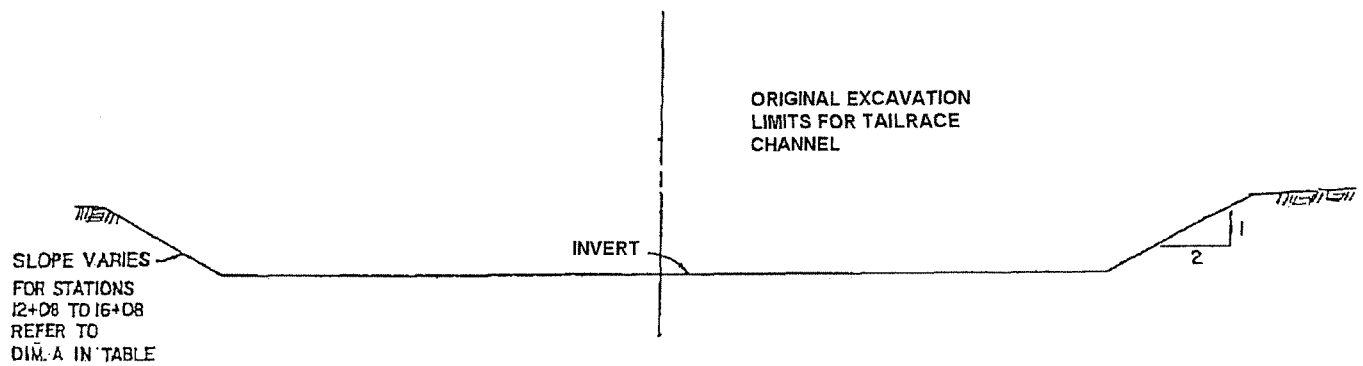
Tailrace Dredging Limits
Sheet 1 of 5

TAILRACE AREA
(Remove 300 cy)



TYPICAL TAILRACE SECTION
DRAFT TUBE EXIT
STA 7+93 TO STA 10+00

SEE PROFILE FOR
INVERT ELEVATIONS

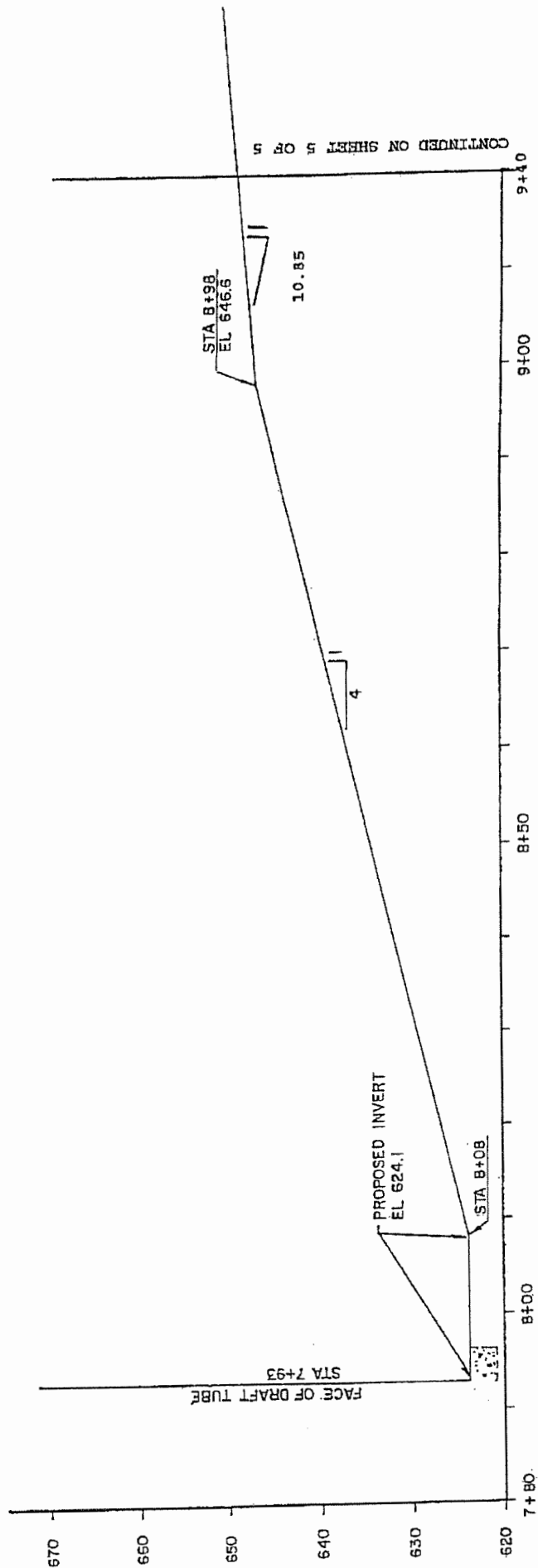


TYPICAL TAILRACE SECTION
STREAM CHANNEL

STA 10+00 TO STA 19+10±

NOTES

1. SEE PROFILE FOR INVERT ELEVATIONS
2. THIS SECTION IS BEYOND THE LIMITS OF PROPOSED DREDGING WORK.



CONTINUED ON SHEET 5 OF 5

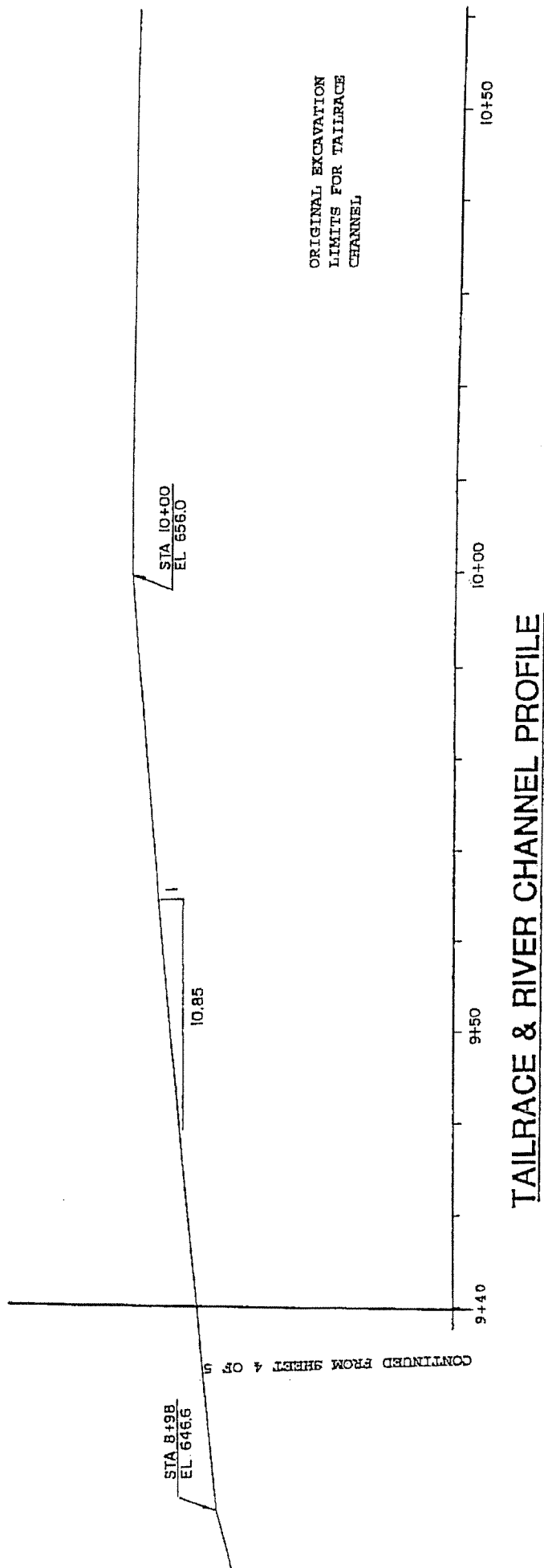
TAILRACE & RIVER CHANNEL PROFILE

ORIGINAL EXCAVATION LIMITS
FOR TAILRACE CHANNEL

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**Tailrace Dredging Limits
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TAILRACE & RIVER CHANNEL PROFILE

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